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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/427,819 | 10/27/1999 | ENGELBERTUS VAN WILLIGEN | PHN-17,166 | 3807 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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| EXAMINER |
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NOBAHAR, ABDULHAKIM

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| ART UNIT | PAPER NUMBER |
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2132

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/10/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------|---------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/427,819 | VAN WILLIGEN, ENGELBERTUS | |
| | Examiner | Art Unit | |
| | Abdulhakim Nobahar | 2132 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicants' response filed on 11/17/2006.
2. Claims 1, 4-7 and 9 are pending.
3. Applicant's arguments have been fully considered but they are not persuasive.
4. When responding to the Office action, Applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objection made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

Response to Arguments

1. Applicants on page 8, lines 6-10 of the remarks argue that Applicants can find nothing in Brooks that describes, teaches or implies the limitations of: "...wherein a subscriber terminal is configured to logon to an authorization server..." as claimed in claim 1. Independent claims 5-7 recite similar limitations.

The examiner respectfully disagrees and asserts that Brooks discloses a method and apparatus that provides services or access to requested resources to users after validation of an identification code (see col. 1, lines 56-62). Brooks also discloses the user must input an authorization code or identification number in order to have a session with the service provider and receive services (see col. 17, lines 33-46 and col. 18, lines 26-36). Entering an identification number by a user at his or her terminal to receive services from a provider in the system of Brooks is an equivalent function to the

Art Unit: 2132

recited "the subscriber terminal is configured to enable a subscriber to logon to an authorization server using an Internet protocol gateway."

2. The examiner, however, in light of the above submission maintains the previous rejections while considering the amendments to the claims as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Brooks et al (5,973,684) (hereinafter Brooks).

Referring to claims 1 and 7, Brooks discloses:

an information server coupled to an internet protocol gateway. See, for example, column 13, line 58- column 14, line 13.

A plurality of subscriber terminals coupled to the Internet protocol gateway, the subscriber terminals for receiving broadcast signals from the information server. See, for example, col. 5, lines 23-39 and col. 12, lines 40-67.

A return channel for transmitting information from a subscriber terminal to a head-end. See, for example, col. 3, lines 40-67 and col. 4, lines 14-39.

wherein the subscriber terminal is configured to enable a subscriber to logon to an authorization server using an Internet protocol gateway, to request one or more of a plurality of services. See, for example, col. 17, lines 33-62 and col. 18, lines 26-36.

the authorization server configured to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server. See, for example, col. 22, lines 23-43.

the authorization server is configured to enable the subscriber to access said one or more plurality of services. See, for example, col. 3, lines 62-67, col. 18, lines 26-36, col. 21, lines 46-67, col. 22, lines 3-21 and col. 27, lines 42-55.

Referring to claim 4, Brooks discloses:

The broadcast network according to claim 1, wherein said services are transmitted using IP packets, and in that said message comprises information about at least one destination IP address to which IP packets from the subscriber station are

Art Unit: 2132

passed. See, for example, column 1, lines 22-34, column 4, lines 6-13, column 6, lines 35-42 and column 8, lines 35-44.

Referring to claim 5, this claim is rejected as applied to like elements of claim 1 as above and further Brooks discloses:

Subscriber station for receiving broadcast signals. See, for example, column 5, lines 24-38.

Said subscriber stations being arranged for transmitting information via a return channel to a head-end. See, for example, col. 3, lines 40-67 and col. 4, lines 14-39.

Wherein the subscriber terminal is configured to enable a subscriber to logon to an authorization server. See, for example, col. 17, lines 33-62 and col. 18, lines 26-36.

The subscriber further being arranged for receiving authorization messages from the authorization server. See, for example, column 10, lines 21-31, column 15, lines 47-58 and column 18, lines 26-36.

And in that the subscriber station is arranged for requesting services from the head-end after receiving a positive authorization message. See, for example, column 15, lines 34-58.

Referring to claim 6, Brooks discloses:

A gateway for passing information from an information server to at least one subscriber terminal. See, for example, col. 5, lines 23-39 and col. 12, lines 40-67.

Art Unit: 2132

Wherein the gateway is arranged for requesting one or more of a plurality of services to an authorization server using a protocol network. See, for example, column 1, lines 22-34, column 4, lines 6-13, column 6, lines 35-42 and column 8, lines 35-44.

and in that the gateway is arranged for enabling the subscriber to logon to the authorization server to request the one or more of a plurality of services in response to an authorization message received from the authorization server. See, for example, col. 17, lines 33-62; col. 18, lines 26-36, col. 21, lines 46-67 and col. 22, lines 3-21.

Referring to claim 9, Brooks discloses:

Method according to claim 7, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, column 15, lines 20-29 and column 19, lines 12-23.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

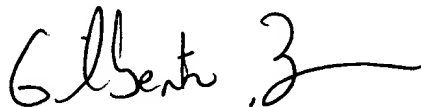
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abdulkhkim Nobahar
Examiner
Art Unit 2132 *a.n.*

January 4, 2007


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SUPERVISORY PATENT EXAMINER
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